

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

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**HOUSE OF THE PEOPLE**

The following Bills were introduced in the House of the People on 14th August, 1953:—

BILL No. 31 OF 1953

*A Bill to regulate and licence institutions caring for women and children.*

WHEREAS it is expedient to enact a law to regulate and licence orphanages and other institutions caring for women and children under eighteen years of age and to provide for the proper custody, care and training of their inmates:

Be it enacted by Parliament as follows:—

**PART I****PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Act may be called the Women's and Children's Institutions Licensing Act, 19 .

(2) It extends to the whole of India.

(3) It shall come into force at once.

**2. Definitions.**—(1) In this Act, unless there is anything repugnant to the subject or context,—

(i) "child" includes a boy or a girl who has not attained the age of eighteen;

(ii) "institution" includes an orphanage, vigilance home, rescue home, shelter and any other home or place run by Government or any local authority or by private individuals or organisations, which provides for the care of five or more women and/or children or which is so organised or administered that its service is essentially institutional in character regardless of the number of inmates cared for;

(iii) "licensing authority" means the District Magistrate of a district or any special officer appointed by the District Magistrate to perform on his behalf the duties of the licensing authority;

(iv) "manager" means the owner and any person having or acting in the care of management of a women's or children's institution, vigilance home, rescue home, shelter or other such institution and the members of the governing body of that institution, if any;

(v) "person" includes an institution, association or body of individuals whether incorporated or not, established for or having for its object the reception or protection of women or children or the prevention of cruelty to children or exploitation of women for immoral purposes and which undertakes to train and rehabilitate, or to bring up or to give facilities for training or rehabilitation or bringing up of any woman or child entrusted to its care in conformity with the religion of her or his birth;

(vi) "woman" includes a female of eighteen years of age and above;

(vii) "year" means the calendar year of Christian era.

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1898, shall have the meaning assigned to them in that Code.

## PART II

### LICENSING

**3. License required to run a Children's Institution.**—(1) No person, shall, without first having obtained a written licence from the licensing authority own, establish, maintain or conduct any Women's and Children's Institution, under any name for the reception or care of women and/or children nor shall either receive or care for any woman or child in the absence of her husband, parent or lawful guardian, with or without maintenance.

(2) An application for securing licence for an institution shall be made in writing in the prescribed form by the manager of an institution caring for women and/or children to the licensing authority.

(3) The licensing authority shall thereupon cause enquiry to be made in respect of such application with special reference to the constitution, aims, objects and financial stability of the organization, as also arrangements for board and lodging, general health of the inmates and facilities for their education, medical treatment, industrial training and rehabilitation.

(4) The licensing authority on such enquiry may if satisfied grant a licence in respect of such place, and the licence shall remain in force for the calendar year subject to such conditions and requirements as may be prescribed.

(5) The licence, besides giving the name of the institution, its managers, and its location, shall specify the number, sex, age and other limitation as to the women or children to be admitted and the performance of the services.

**4. Renewal of licence.**—Application for renewal of a licence shall be filed at least thirty days prior to its expiration. If no such application is filed, the licence shall automatically cease at the end of the calendar year

**5. Non-transfer of licence.**—No licence shall be transferable.

**6. Change of licence or service not permitted.**—The location of any Institution specified in the licence, and the performance of any service specified therein shall not be changed without the written consent of the licensing authority.

**7. Maintenance of register of records.**—Every holder of a licence shall maintain a register in the prescribed form setting forth the following facts concerning each woman or child on admission received into the care of such licence holder—

- (a) name of the woman or child;
- (b) age, sex, and religion;
- (c) condition of her or his health on admission;
- (d) last address;
- (e) nearest of kin;
- (f) names of father and mother stating whether dead or living and name of husband in case of a married woman or a girl;
- (g) persons responsible for her or his care;
- (h) amount, if any, paid for care;
- (i) name of person or agency seeking admission of the woman or child;
- (j) reasons for admission;
- (k) terms and conditions of admission;
- (l) a brief history of the case; and
- (m) such other data as from time to time may be required by the licensing authority.

**8. Holder of licence to file copy of register.**—Every holder of licence shall file a copy of the register of records with the licensing authority at the time of issue of the licence.

**9. Monthly statement of admissions and discharges to be filed.**—The holder of the licence shall further furnish to the licensing authority a monthly statement in the prescribed form of all new admissions and discharges.

**10. Death of persons and administrative changes to be reported.**—Upon the occurrence of a death of any inmate or any changes in the administrative personnel of any such institution, the holder of the licence shall within forty-eight hours give notice in writing to that effect to the licensing authority:

Provided that the incident of a sudden death shall be reported to the licensing authority immediately.

**11. Managers of institutions bound to teach and train every child admitted.**—The manager of the institution shall be bound to teach, train, lodge, clothe and feed every woman or child, admitted in the institution

until the woman is rehabilitated or the child attains the age of eighteen years :

Provided that no such responsibility as aforesaid, shall be a binding on the manager if he resigns from the institution or if the licence of the institution is withdrawn.

**12. Penalty for operation without licence.**—(1) Any person, who maintains, conducts as manager or officer in any other administrative capacity or assists in maintaining or conducting any institution and contravenes the provisions contained in section 3 of this Act shall be guilty of an offence punishable with imprisonment which may extend to two months or with fine not exceeding two hundred rupees or with both.

(2) The inmates of any such institution shall be removed from there by the licensing authority and shall be placed in some other licenced institution.

### PART III

#### MANAGEMENT AND INSPECTION

**13. Governing Body.**—Every institution licenced under this Act shall be under the management of a Governing Body, the members of which shall be deemed to be the managers of the institution for the purpose of this Act and shall be deemed to be responsible for the organization.

**14. Audited accounts to be submitted to the licensing authority.**—Every institution shall maintain proper accounts of all sums of money received and spent, and shall file with the licensing authority an annual statement of accounts duly audited by a chartered accountant.

**15. Inspection by the licensing authority.**—(1) Any institution may be inspected at all reasonable hours by a licensing officer or any member of his inspecting staff for the purpose of looking after the health and welfare of the children and the sanitation of the premises.

(2) The licensing officer or any member of his inspecting staff shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purpose, and the person in-charge of the place shall afford all reasonable facilities for such inspection.

(3) The officer so inspecting shall at the conclusion of his inspection record his remarks in the visitor's book of the institution.

(4) The licensing authority shall communicate to the institution inspected by him or his representative any suggestion he has to make on receiving the report of his representative.

**16. Government if dissatisfied may withdraw licence.**—(1) The State Government concerned, on a report from the licensing authority if dissatisfied with the conditions, rules, management or superintendence of a licenced institution, may at any time by notice served on the managers of the institution declare that the licence be withdrawn as from a date specified in the notice, and the institution shall cease to function from that date.

(2) The State Government concerned may instead of cancelling a licence under sub-section (1) by notice served on the managers of the institution prohibit further admissions to the institution for such time as may be specified in the notice or until the notice is revoked;

Provided that before the issue of a notice under sub-sections (1) and (2) a reasonable opportunity shall be given to the manager of the institution to show cause why the licence may not be withdrawn or admission to the institution may not be prohibited, as the case may be.

**17. Resignation of licence by managers and its effect.**—(1) The manager of the institution may, on giving six months notice in writing to the State Government through the licensing authority of his intention to do so, apply for cancellation of the licence of the institution, and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the cancellation of the licence shall take effect and the institution shall cease to function.

(2) A woman or a child shall not be received into the institution after the date of receipt, by managers of the institution, of a notice of withdrawal of licence or after the date of a notice of cancellation of the licence:

Provided that the obligation of the managers to teach, train, lodge, clothe and feed any inmates in the institution shall continue until the withdrawal or cancellation of the licence takes effect.

**18. Custody of inmates of institution on cancellation of licence of an institution.**—The licensing authority, on cancellation of the licence of any place under sections 16 and 17 or otherwise closing down of an unauthorised institution under section 12, may direct that any woman or child who is an inmate of such place, be,—

(a) restored to the custody of her or his parent, husband or guardian, as the case may be;

(b) released to the care of any other fit person; or

(c) transferred to another institution.

**19. State Governments to make rules for management of institutions.**—The State Governments are empowered to make such rules and regulations as they deem fit for the management of the institutions or for the performance of their services.

**20. Local Authority competent to fix standards for sanitation, health and hygiene for institutions.**—The provisions of this Act shall not prevent the local authority of any city or district from adopting rules and regulations prescribing standards of sanitation, health and hygiene for the institutions.

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#### STATEMENT OF OBJECTS AND REASONS

A large number of bogus children's houses and orphanages are existing in the country and exploiting destitute women and children. Inhuman conditions prevail in these institutions. In order to protect women and children from such exploitation, legislation is necessary to regulate and license orphanages and other institutions caring for women, and

children under eighteen years of age, and to provide for the proper custody, care and training of their inmates. Article 39 of the Constitution relating to the Directive Principles of State Policy lays down *inter alia* that "The State shall in particular direct its policy towards securing that childhood and youth are protected against exploitation, and against moral and material abandonment."

This Bill seeks to secure the early realisation of this objective.

MANIBEN VALLABHBHAI PATEL.

### Bill No. 36 of 1953

*A Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels.*

WHEREAS it is expedient to provide for and to consolidate the law relating to prostitution in India, and to provide for efficient enforcement thereof;

Be it enacted by Parliament as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Suppression of Immoral Traffic and Brothels Act, 19

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(i) "brothel" means any house, room, place, premises or any portion thereof which the occupier or person in charge thereof allows to be used by another person for the purpose of prostitution and includes any vehicle which the person driving or in charge of allows to be used by another person for the purpose of prostitution;

(ii) "commissioner of police" means the Commissioner of Police for the Cities of Madras, Bombay and Calcutta;

(iii) "magistrate" means a salaried Presidency Magistrate or Magistrate of the first class, inclusive of the Commissioner of Police;

(iv) "prescribed" means prescribed by rules made under Section 18 of this Act;

(v) "prostitution" means promiscuous sexual intercourse for hire, whether in money or kind, and includes an act of offering the body to indiscriminate lewdness or sexual intercourse for a consideration;

(vi) "prostitute" means any female available for the purpose of prostitution;

(vii) "public place" means a place including road, street or way, whether a thoroughfare or not and a landing place to which the public are granted access or have a right to resort or over which they have a right to pass and includes a refreshment room, eating house, coffee house, boarding house, lodging house, tea shop or any other place whether enclosed

or open to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place;

(viii) "rescue home" means a corrective institution established or recognised by the State Government in which girls under the age of eighteen years and women rescued from any brothel, disorderly house or place of assignation, are placed in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and the prevention of offences under this Act;

(ix) "shelter" is an institution established or recognised by the State Government in which girls and women undertrials are kept in pursuance of this Act;

(x) "superintendent of police" means a District Superintendent of police, or any person appointed by the State Government to perform the duties of the Superintendent of Police for the purpose of this Act;

(xi) "vigilance home" means a corrective institution established or recognised by the State Government, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and the prevention of offences under this Act;

(xii) "woman" means a female who has completed the age of eighteen years and above.

**3. Common prostitute in vicinity of public places.**—Whoever carries on prostitution in any premises,—

(a) which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare, or

(b) which are notified in this behalf, by the Commissioner of Police or the District Magistrate, in the manner prescribed by rules made by the State Government,  
shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

**4. Punishment for keeping or managing a brothel.**—(1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,—

(a) acts as a tout or pimp on behalf of any prostitute; or

(b) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof to any person convicted under sub-section (1) or to a person mentioned in clause (a) with the knowledge that such premises or some part thereof are or is to be used as a brothel; or

(d) is wilfully a party to the use of such premises, or any part thereof, shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, a Court convicting the lessee, tenant, occupier or person residing in any house, room, place, premises or any portion thereof for offences under sub-section (1) or clauses (a) and (b) of sub-section (2) may summarily dispossess any such lessee, tenant, occupier or person occupying or residing in any such house, room, place, premises or any portion thereof and put the lessor or the landlord or the agent of such lessor or landlord in possession thereof.

(4) When the lessor or landlord or the agent of such lessor or landlord is put in possession of any house, room, place, premises or portion thereof under the provisions of sub-section (3) he shall not grant another lease or enter into another contract of tenancy to or for the benefit of the same person or persons without causing to be inserted in such lease or contract all reasonable provisions for the prevention of recurrence of any such offences. Any lessor or landlord or the agent of any house, room, place, premises or any portion thereof in pursuance of sub-section (3) who fails to comply with the provisions of sub-section (4) shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(5) Any person who having been convicted of an offence punishable under sub-sections (1) or (2) is convicted of a subsequent offence punishable under the said sub-sections shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both and may in addition be ordered by the Court convicting him, to execute a bond for a sum proportionate to his means with or without sureties to be of good behaviour for such period not exceeding three years as it thinks fit.

(6) If a conviction under sub-sections (1) and (2) is set aside on appeal or otherwise the bond so executed shall be void.

(7) An order for the execution of a bond in accordance with the provisions of sub-section (5) may also be made by an appellate Court or by a High Court when exercising its powers of revision.

(8) The provisions of Chapter VIII of the Code of Criminal Procedure 1898 (Act V of 1898) shall apply to orders made for the execution of bonds under this section and imprisonment for failure to give security shall be rigorous or simple.

**5. Right of Police officer to enter into the brothel, and the custody of the girl.**—(1) Where a Magistrate has reason to believe from a report made to him by a police officer or otherwise that a girl apparently under the age of eighteen years is living, or is carrying on, or is being made to carry on prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a police officer not below the rank of a Deputy Superintendent of Police specially authorised in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl, and thereupon such police officer shall have



the power to enter into such brothel, disorderly house or place of assignation of such girl and any other girl found therein if, in his opinion, she is under the age of eighteen years and is living or is carrying on or is being made to carry on prostitution in such brothel, disorderly house or place of assignation.

(2) A girl who has been so removed shall be brought before the Court which shall make an enquiry in the manner prescribed for conducting trial and recording evidence in summons cases and if satisfied that she is living on or is being made to carry on prostitution in a brothel, disorderly house or place of assignation, or living in a house used for immoral purpose or in any other circumstances calculated to cause, encourage or favour the prostitution and that the girl is under eighteen years of age may make an order that such girl be placed for a short period in a rescue home or in such other custody as the court for reasons to be stated in writing shall consider suitable:

Provided that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

(3) Where the Court has arrived at a finding regarding the age of a girl dealt with under sub-section (2) such age shall for the purpose of that sub-section be deemed to be her true age and no order of the Court shall be deemed to be invalid or be liable to be interfered with in an appeal or revision on the ground that her age had not been correctly determined.

**6. Place of custody of the girl.**—When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (1) of section 5 the police officer carrying out the removal or when a girl or woman who has been taken into custody under the provisions of this Act, shall until such girl or woman be brought before the Court cause her to be detained in a rescue home or shelter or in such other suitable custody other than a police station or jail, as may be prescribed in this behalf by the State Government, provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

**7. Punishment for living on the earnings of prostitution.**—(1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved—

(a) to be living with or to be habitually in the company of a person living on prostitution, or

(b) to have exercised control, direction or influence over the movements of a person living on prostitution in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other or generally, it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1):

Provided that the mother, or a son or daughter of a person living on prostitution shall not be punished under sub-section (1) unless

it is proved to the satisfaction of the Court that such mother, son or daughter is aiding, abetting or compelling her prostitution.

**8. Punishment for traffic in women or girls.**—(1) Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on prostitution or causes or induces any woman or girl to carry on prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any offences under this section may be tried in any place to which the woman or girl is brought or in which an attempt to bring her is made or in any place from which she is brought or caused to be brought or from which an attempt to bring her is made.

**9. Punishment for detention of a woman or a girl in a brothel.**—(1) Any person who detains any woman or girl against her will,—

(a) in any brothel,

(b) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband,

shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) A person shall be presumed to detain a woman or a girl in a brothel for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

(a) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person.

(3) Notwithstanding any law to the contrary, a woman or girl mentioned in sub-section (2) shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to or to have been pledged by such woman or girl by or to the person by whom she had been detained.

**10. Punishment for inducement.**—(1) Any person who induces a woman or girl to go from any place with intent that she may for the purpose of prostitution become the inmate of or frequent a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) An offence under sub-section (1) shall be triable in the place from which the woman or girl was induced to go or in any place to which she may have gone as a result of such inducement.

**11. Punishment for prostitution.**—(1) Whoever, in any street or public place or within sight of and in such manner as to be seen or heard from

any street or public place whether from within any house or building or not,—

(a) by words, gestures, indecent exposures of his or her person or otherwise attracts or endeavours to attract attention for the purposes of prostitution, or

(b) solicits or molests any person for the purposes of prostitution, shall be punished with imprisonment for a term which may extend to one year or with a fine which may extend to one thousand rupees or with both.

(2) A Magistrate convicting any girl or woman who has not attained the age of thirty years, of an offence under sub-section (1), may in lieu of passing a sentence of imprisonment under the section pass a sentence of detention if she is a girl in a rescue home or if she is a woman in a vigilance home for a term which shall not be less than two years or more than five years.

(3) Where a Magistrate has arrived at a finding regarding the age of a girl or women dealt with by him under sub-section (2) such age shall for the purpose of that sub-section be deemed not to be invalid or be liable to be interfered with in an appeal or revision on the ground that her age had not been correctly determined by the Magistrate.

(4) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (Act V of 1898) a sentence of detention for any period passed under sub-section (2) shall be deemed to be a sentence of imprisonment for the like period.

**12. Ejection from the premises used as a brothel.**—(1) Any Presidency Magistrate or Superintendent of Police on information received or complaint made that any house, room, place, premises or any portion thereof is being run or used as a brothel by any person may on enquiry made in a summary manner and on being satisfied that it is so run or used by any person, notwithstanding any other law for the time being in force, summarily dispossess such person who resides in or occupies any such house, room, place, premises or any portion thereof found to have been so run or used, and put the lessor or landlord or the agent of such lessor or landlord in possession thereof:

Provided that if it is found that the lessor or landlord has so run or used the house, room, place, premises or any portion thereof the Magistrate may let the house to any tenant and arrange to pay the rent to the lessor or landlord as the case may be.

(2) An appeal or revision from any order or judgment under sub-section (1) shall lie to the High Court.

**13. Punishment for seduction of a girl who is in custody.**—Any person who having custody, charge or care of any girl or woman causes or aids or abets the seduction or prostitution of that girl or woman shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

**14. Evidence as to the character of the accused.**—Notwithstanding anything contained in any other law for the time being in force in any,

proceeding under this Act, evidence of bad character, general reputation of disposition shall be relevant and admissible against the accused.

**15. Arrest without warrant.**—(1) Any police officer not below the rank of an Inspector may arrest without a warrant any person who has committed an offence under sections 4, 7, 8, 9, 10 and 11 or against whom a reasonable complaint has been made or credible information has been received or is reasonably suspected or alleged to be suspected to be concerned in an offence punishable under section 11 shall be arrested under this section only if the name and address of such a person be unknown to the police officer and cannot be ascertained by him then and there or if he has reason to suspect that a false name and address of his have been given.

(2) Any police officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order may arrest without a warrant any person committing in his view any offence punishable under sections 8, 9, 10 or 11 if the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there or if he has reason to suspect that a false name and address have been given.

**16. Entry into certain premises without warrant.**—(1) Notwithstanding anything contained in any other law for the time being in force any police officer not below the rank of an Inspector and any other police officer, authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order or by orders by any Presidency Magistrate or First Class Magistrate may for the purpose of ascertaining whether an offence punishable under sections 4, 7, 8, 9, 10 and 11 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 4, 7, 8, 9, 10 and 11 has been committed.

(2) Any police officer entering into the premises under sub-section (1) shall be entitled to remove therefrom any girl if in his opinion she is under the age of eighteen years and is carrying on or is being made to carry on prostitution in such premises.

(3) All the provisions of this Act shall apply in regard to any girl so removed under sub-section (2) as if she had been removed under sub-section (1) of section 5.

**17. Magistrate to try certain offences.**—None below the rank of a Magistrate as defined in clause (iii) of section 2 shall try offences under sections 4, 7, 8, 9, 10 and 11:

Provided that notwithstanding anything contained in clause (iii) of section 2 the Commissioner of Police shall not be deemed to be a Magistrate for the purpose of this section.

**18. State Governments to make Rules for maintenance of girls under custody.**—(1) The State Government may make rules,—

(i) for the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (2) of section 5;

(ii) for the detention of girls under the provisions of section 6 subject to the restriction that no girl shall be detained in the

custody of a person or body of a different religious persuasion from that of the girl;

(iii) for the purpose of carrying into effect the provisions of section 11 and section 12 and in particular and without prejudice to the generality of this power with regard to—

(a) the management of vigilance homes and the appointment, powers and duties of officials in such homes;

(b) the care, treatment, maintenance, training, instruction and control of the inmates of such homes;

(c) visits to and communication with, such inmates ;

(d) the temporary detention of women sentenced to detention in vigilance homes until arrangements are made for sending them to such homes:

Provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers;

(e) the transfer of a woman from one vigilance home to another;

(f) the transfer from a vigilance home to a prison of women found to be incorrigible or exercising a bad influence and the period of their detention in such prison;

Provided that such period shall not exceed one year;

(g) the transfer to vigilance homes of women sentenced under section 11 and the period of their detention in such homes;

(h) the discharge of inmates from vigilance homes either absolutely or subject to conditions, and their arrest in the event of breach of such conditions;

(i) the grant of permission to inmates to absent themselves for short periods.

(2) In making any rule under clause (iii) of sub-section (1) the State Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

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#### STATEMENT OF OBJECTS AND REASONS

The large scale immoral traffic in women and children that is going on in our country has been a cause of grave anxiety for some time. Some States like Bombay, Madras, West Bengal and U.P. have taken measures for the suppression of immoral traffic, but it cannot be said that they are

effective enough to eradicate the evil, while a greater number of States have taken no legislative action so far. There is, therefore, an urgent need to adopt uniform legislation for the entire country to check the further growth of this evil.

MANIBEN VALLABHBHAI PATEL.

BILL No. 38 OF 1953

*A Bill to provide for building up an up-to-date and a comprehensive Library for Parliament.*

WHEREAS it is necessary, for building up an up-to-date and a comprehensive Library for the Parliament of India, to make arrangements to secure copies of every book, publication, periodical, etc., including maps, illustrations, photographs printed, lithographed, or photographed, in any language, in any part of the Union of India;

BE it enacted by Parliament as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Parliament Library Act, 19 .

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the President may by order appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "author" includes the writer, composer, compiler, annotator, commentator, or editor of a book, paper, periodical, or publication, or a cartoonist, or illustrator, draftsman, painter, and any other person whose work is included in the form of writing, annotation, compilation, editing, drawing, illustration, cartoon, map, or such like material, in a book or published separately;

(b) "book" includes any work in writing, paper, periodical, pamphlet, or publication, printed and published or lithographed, whether offered for sale or otherwise; and every part or division of a book, pamphlet, sheet of letter press, sheet of music, map, plan, drawing, illustration, cartoon, graph, chart, or table, separately published, but shall not include any second or subsequent edition of a book, unless such edition contains additions, annotations, or alterations, either in the letter press or in the maps, prints, or other engravings, belonging thereto, or is an abridgement of that book;

(c) "composer" means the composer of a musical work or of musical notation, or dance choreograph;

(d) "library" means library attached to the Parliament of India;

(e) "printer" means the proprietor or manager of a printing press, where the copies of a book are multiplied, and who is registered as the keeper of such a printing press;

(f) "publisher" means any person, firm, or company, carrying on business as publisher of books, and declared in any book to be publisher thereof.

*Explanation.*—(a) If in any case there is more than one person contributing to the making of a book in its several parts of writing, commentary, or illustrations, etc., separately, the term "author" shall mean those composing and providing the actual thought and material contained in that book, whether published or otherwise; while those who have supplied the commentary, illustration, or annotation or editing shall be distinguished from the author, by the addition of an appropriate term giving the proper designation and contribution of each such contributor.

(b) Where there is more than one person jointly concerned in writing, or providing the actual thought and material contained in a book, they shall be known as joint authors.

(c) For the purpose of this section the expression "author", "printer", "publisher" and "composer" includes the heirs, assignees or the legal representatives of a deceased author, printer, publisher or composer, respectively.

(d) Where in any case the same person acts as author, printer or publisher, or combines in himself more than one of these capacities, his responsibilities under this Act shall be the same as that of all of them jointly and each severally.

**3. Copies of Books to be delivered to Secretary to the House of the People.**—(1) The publisher etc. of every book printed, lithographed, or photographed, and published in any State in the Union of India, shall, after this Act comes into force, furnish, at his own expense, within one calendar month of the date of such printing, lithographing, photographing or publishing, to the Secretary to the House of the People who shall give, or cause to be given, a written receipt for the same, three copies of each such book or work printed, photographed, lithographed and published in any language, in any part of the Union of India for use in the library.

(2) The copies so delivered under sub-section (1) to the Secretary to the House of the People shall be complete copies of the entire book, including all maps, charts, graphs, tables, notes, illustrations, sketches, drawings, wood-cuts, or photogravures included therein, printed on and stitched or sewn, and bound and got up in the best paper in the same manner as the best copies of the book published:

Provided that in the case of any book of which only a number of copies have been printed on superior paper and sewn or stitched and bound in a better manner and material, whether for presentation or for sale at a price higher than that charged for the ordinary edition, the copies required to be so furnished under this section shall be of the better or superior edition.

**4. Application.**—Without prejudice to any rights or privileges of the Government of India or the Government of a State, the provisions of this Act shall also be applicable to any work which has been prepared or published by or under the direction or control of any Government department.

**5. Penalty for offences under the Act.**—If the Publisher fails to comply with the provisions of this Act, he shall be liable on summary conviction

to a fine not exceeding rupees one hundred in respect of each book, or each demand by the Secretary to the House of the People, in addition to the price of the copies of the book required to be furnished free of cost under this Act; and the fine shall be paid to the Secretary to the House of the People to be kept in a separate reserve fund to be used for the purposes of this Act.

**6. Appeal against the fine.**—Any person affected by an order under section 5 may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

**7. Court to try offences under the Act.**—No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence against this Act.

**8. Repeals.**—The provisions of the Indian Copyright Act 1914 (III of 1914) and the Press and Registration of Books Act, 1867 (XXV of 1867) in so far as they relate to the transmission of copies of Books etc., to the British Museum or the Secretary of State are hereby repealed.

#### STATEMENT OF OBJECTS AND REASONS

The most important National Libraries of the world, such as the British Museum, the Congressional Library in the United States, or the Bibliothèque Nationale of France, are built up and kept up-to-date by requiring copies of all books etc., printed and published within the jurisdiction of the countries concerned, to be supplied free of cost to such central institutions, under the authority of some National legislation.

In the United States as well as in Britain the Copyright legislation is utilised to achieve this object.

During the British regime, the Government of India used to require under the terms of the Press and Registration of Books Act, 1867 (XXV of 1867) a certain number of copies of every book, periodical, or publication, printed and published in British India, to be supplied, free of cost, for use in the British Museum. The copies supplied for this purpose were to be of the best bound and get-up. If of a book or publication, two editions were printed, one in small number of superior paper and richer binding, for presentation, and the other more numerous on ordinary paper and with ordinary binding and get up for sale in the market, only copies from the superior edition were to be supplied under that legislation. Pains and penalties were attached in regard to failure to comply with this legislation. There is no reason why that legislation should operate now, if it is still in force.

This Bill accordingly proposes to secure, for the use of the Library of Parliament, one copy at least of every book, or publication printed in India in any Indian or foreign language. The Library of Parliament, should contain all available material for every problem that may engage the attention of Parliament. It should in fact, be co-extensive with the problems of the entire public and private life in the country in all its aspects and phases.

DIWAN CHAND SHARMA.



## BILL No. 103 OF 1952

*A Bill to regulate the grant of ordinary pension, disability pension, family pension and special pension to military personnel.*

BE it enacted by Parliament as follows :—

**1. Short title, application and commencement.**—(1) This Act may be called the Military Pensions Act, 19 .

(2) It shall apply to all ex-personnel of the Regular Army wherever they may have served and to their dependants residing in the Union of India.

(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint in this behalf.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) “ordinary pension” means a monthly stipend or allowance payable to an officer, soldier or other person on completion of the terms of his original enlistment under the Army Act, 1950 ;

(2) “disability pension” means a monthly stipend or allowance payable to an officer, soldier or other person on account of wound, injury or disease which has the effect of rendering him unfit for further military service ;

(3) “family pension” means a monthly stipend or allowance payable to the dependants of an officer, soldier or other person ;

(4) “special pension” means a special stipend or allowance payable to an officer, soldier or other person in accordance with the provisions of this Act ;

(5) “dependants” includes widow, father, mother, sons, daughters, grand-sons, grand-daughters, grand-father, grand-mother, adopted son, adopted father, and illegitimate sons ;

(6) “mother” includes any female relative of the deceased who nursed the deceased during his infancy and brought him up during the period of minority ;

(7) “regular army” means officers, soldiers and other persons, who by their commission, terms of enlistment, or otherwise are liable to render continuously for a term military service to the Union of India and includes the Dominion and pre-Dominion personnel of the army, navy and air force ;

(8) “public claim” means any public debt or disallowance, including any over-issue made through an error as to the facts, or a deficiency or irregular expenditure of public money or stores of which after due investigation, no explanation satisfactory to the

President of India is given by the person who is responsible for the same;

(9) "attributability to military service" means—

(i) a wound or injury which incurs during the actual performance of military duty or arises out of such performance, and

(ii) a disability other than wound or injury which arises out of circumstances incidental to military service or to disease to which military personnel are specially liable, such as enteric fever, dysentery, malaria, tuberculosis, asthma, etc.;

(10) "aggravated by military service" means an unfitness in the form of wound, injury or disease which existed before enrolment in a dormant state to be detected or was of a negligible percentage or degree to warrant rejection of enrolment and which unfitness when in the course of military service, is advanced to such a stage as to warrant the discharge of the person as unfit for further service and not due to serious negligence or gross misconduct.

**3. Conditions for the grant of pensions.**—(1) Ordinary pension shall be granted on the completion of an officer, soldier or other person's terms of original enlistment.

(2) Disability pension shall be granted when the unfitness of an officer, soldier or other person, becomes manifest during the course of military service or is attributable to or aggravated by such service and is not due to serious negligence or gross misconduct.

(3) Family pension shall be granted when the cause of death becomes manifest during the course of military service or is attributable to or aggravated by military service or arising out of the complications of an unfitness, which incurred in actual performance of military duty.

(4) Special pension shall be granted to an officer, soldier or other person—

(i) when he is discharged on account of demobilization or reduction of establishment on completion of eight years service whether continuous or fragmentary;

(ii) when discharge is compulsory and beyond the control of an officer, soldier or other person who has completed eight years paid military service, whether in one engagement or in more than one;

(iii) when death is due to an operation or as a result of complications thereof in a military hospital;

(iv) when an officer, soldier or other person dies while in receipt of disability pension assessed at twenty per cent. by an invaliding board and who had eight years paid military service to his credit;

(v) when an officer, soldier or other person dies while in receipt of disability pension on account of disablement assessed at forty per cent. and above by an invaliding board;

(vi) when death occurs in a military hospital of an officer, soldier or other person under treatment for a wound, injury or illness not due to self-aggrandizement ;

(vii) when an officer, soldier or other person is bitten by snake, dog or any other animal and becomes unfit to be kept in service or dies as a result of the bite while he is on duty or returning to the place of duty from lines, rest camp, home or any other place and *vice versa*; and

(viii) when an officer, soldier or other person dies after having earned an ordinary pension and having enjoyed it for less than five years.

**4. Period for which pension is tenable.**—(1) Every grant of ordinary pension and disability pension shall be tenable for life and shall not cease to be payable before the death of the grantee ;

(2) Family pension shall be tenable during the life of the dependants and shall not cease on the death or disqualification of the first recipient, but shall continue to other surviving dependants in succession till the last dependant dies or is disqualified, with the following exceptions :

(i) in the case of a son family pension is tenable during his period of minority unless he is a cripple or otherwise physically or mentally unfit to support himself ;

(ii) in the case of a daughter family pension is tenable upto the age of sixteen years or till marriage whichever is later ; and

(iii) in the case of a widow family pension is tenable till re-marriage with a person other than the real brother, step-brother, or cousin ;

(3) Special pension shall be tenable for life except those mentioned in clauses (iii), (iv), (v), (vi) and (vii) of sub-section (4) of section 3, which shall be treated as family pension and shall be liable to be continued to the dependants of the deceased in succession till the death of the last surviving dependant ; and

(4) pension mentioned in clause (viii) of sub-section (4) of section 3, shall be tenable for a period of twenty-one years only.

**5. Protection to pension.**—No pensions granted or continued by Government in accordance with the provisions made in this Act or on account of past services or present infirmities or as a compassionate allowance, and no money due or becoming due on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any such Court. Nor shall any military pension be ordered to be discontinued, withheld, reduced or forfeited in satisfaction of any public claim or regimental debt save on an express order of the President.

**6. Commencement of pensions.**—(1) Ordinary pension shall commence from the date of discharge or release from military service ;

(2) Disability pension shall commence from the date of discharge from military service on medical grounds ; and

(3) Family pension shall commence from the date of death of an officer, soldier or other person or in the case where family pension has already been granted to a dependant and other eligible dependants are living, the pension shall commence from the date of death of the recipient.

**7. Method of calculating rates of pensions**—(1) Ordinary pension may be calculated by taking monthly average of pay and allowances drawn for the last three years, divided by two;

(2) Disability pension may be calculated as ordinary pension plus a disability element of pension at the rate of one-fifth of ordinary pension for every twenty per cent. of disability assessed in accordance with the Schedule of Disabilities appended to this Act;

(3) Family pension may be calculated as half of the monthly rate of pay and allowance admissible on the date of death; and

(4) Special pension with the exception of the provisions contained in clauses (iii), (iv), (v), (vi), (vii) and (viii) of sub-section (4) of section 8 may be calculated at three-fourth of the ordinary rate of pension.

**8. Right to make complaint.**—An ex-officer, soldier or other person may complain against delay in the admission or disbursement of pension or against any deduction made from the pension to the Chief Controlling Revenue authority, who shall cause the complaint to be investigated and pass orders thereon intimating the same to the aggrieved person by registered post.

**9. Power of Courts under Act.**—(1) An ex-officer, soldier or other person or a dependant thereof may, if dissatisfied with the orders of the Chief Controlling Revenue authority, bring an action, prosecution or proceeding against any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act in one of the High Courts of the Union under whose jurisdiction he or she might for the time being be residing or in the High Court under whose jurisdiction the depot or record office of the person concerned is situated or under whose jurisdiction the office of the pension sanctioning authority or the office of the Chief Controlling revenue authority is located.

(2) An ex-officer, soldier or other person or a dependant thereof may make an application to a High Court for the issue of directions, orders or writs, including writs in the nature of *mandamus*, prohibition, *quo warranto* or *certiorary* for the enforcement of any of the rights conferred by this Act. The Court shall issue a notice to the defendant and shall not dismiss the petition without hearing both the parties and without recording its judgement except in a case where it is of the opinion that the application is frivolous or vexatious in which case it may require the applicant to deposit a sum not exceeding one hundred rupees only for the cost of the defendant.

**10. Rule making powers of the Chief Controlling revenue authority.**—

(1) The Chief Controlling revenue authority may, with the consent of the Central Government, from time to time, make rules consistent with this Act respecting all or any of the following matters:—

(i) the place and times at which, and the person to whom, any pension shall be paid, .

- (ii) inquiries into the identity of claimants,
- (iii) records to be kept on the subject of pensions,
- (iv) transmission of such records,
- (v) correction of such records,
- (vi) delivery of certificates to pensioners,
- (vii) registers of such certificates,
- (viii) transfer of family pension from one dependant to another, and generally for the guidance of officers under this Act.

(2) All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

#### SCHEDULE OF DISABILITIES

[See sub-section (2) of section 7.]

(I) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Serial No.	Specific injury	Per cent.
1	<ul style="list-style-type: none"> <li>(i) Loss of two or more limbs.</li> <li>(ii) Loss of an arm and an eye.</li> <li>(iii) Loss of a leg and an eye.</li> <li>(iv) Loss of both hands or of all fingers and thumbs.</li> <li>(v) Loss of both feet.</li> <li>(vi) Loss of a hand and a foot.</li> <li>(vii) Loss of two or more limbs.</li> <li>(viii) Total loss of sight.</li> <li>(ix) Total paralysis.</li> <li>(x) Lunacy.</li> <li>(xi) Wounds, injuries or disease resulting in disabled man being permanently bed-ridden.</li> <li>(xii) Wounds of, or injuries to, internal, thoracic or abdominal organs, involving total permanent disabling effects.</li> <li>(xiii) Wounds of, or injuries to, head or brain involving total permanent disabling effects or Jacksonian epilepsy.</li> <li>(xiv) Very severe facial disfigurement.</li> <li>(xv) Advanced cases of incurable disease.</li> </ul>	100

Serial No. 1	Specific injury	Per cent.
2	<p>(i) Amputation of right arm through shoulder.</p> <p>(ii) Amputation of leg at hip or below hip with stump not exceeding five inches in length measured from tip of great trochanter; of right arm below shoulder with stump not exceeding six inches measured from tip of acromion; or of left arm through shoulder.</p>	90
3	<p>(i) Lisfranc operation, both feet.</p> <p>(ii) Amputation of leg below hip with stump exceeding five inches in length measured from tip of great trochanter but not below middle thigh; or left arm below shoulder with stump not exceeding six inches measured from tip of acromion; or of right arm below shoulder with stump exceeding six inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding five inches measured from tip of olecranon.</p>	80
4	<p>(i) Severe facial disfigurement.</p> <p>(ii) Total loss of speech.</p> <p>(iii) Amputation of leg below middle thigh, through knee, or below knee with stump not exceeding four inches; of left arm below shoulder with stump exceeding six inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding five inches measured from tip of olecranon; or of right arm below elbow with stump exceeding five inches measured from tip of olecranon.</p>	70
5	<p>(i) Total deafness.</p> <p>(ii) Amputation of leg below knee with stump exceeding four inches.</p>	60
6	<p>(i) Amputation of left arm below elbow with stump exceeding five inches measured from tip of olecranon.</p> <p>(ii) Loss of thumb or four fingers of right hand.</p> <p>(iii) Loss of vision of one eye.</p>	50
7	<p>(i) Lisfranc operation, one foot.</p> <p>(ii) Loss of all toes of both feet above knuckle.</p> <p>(iii) Loss of thumb or four fingers of left hand or three fingers of right hand.</p>	40
8	<p>(i) Loss of all toes of one foot above knuckle.</p> <p>(ii) Loss of all toes of both feet at or below knuckle.</p>	30
9	<p>(i) Limited restriction of movement of joints through injury without penetration, limited function of limb through fracture.</p> <p>(ii) Loss of two fingers of either hand.</p> <p>(iii) Compound fracture of thumb or two or more fingers of either hand with impaired function.</p>	20

(II) When the wound, injury or illness causing the disability is not entered in the Schedule, the disability shall be assessed by the medical board at the percentage shown in the Schedule most closely corresponding to it.

### STATEMENT OF OBJECTS AND REASONS

The subject of Army pensions in pre-Dominion period was regulated by administrative rules and regulations. These rules and regulations were not made by reference to the power conferred on the Government by the Pensions Act, 1871, or by the Indian Army Act, 1911, or by the Government of India Act, 1935. The pre-Dominion view of the Government was that the subject is not a matter of legislation, that it falls within the scope of the Crown's prerogative, that the military pensions, including family pension and disability pension, are of the nature of bounties and gifts of the Crown and that these pensions can be admitted, refused, forfeited, stopped, or continued at pleasure. The prerogative rules and regulations have now become void with effect from 26th January, 1950. The Constitution does not recognize prerogative powers. These regulations and rules are not published in the Official Gazette and do not satisfy the definition of 'rule' and 'regulation' enacted by the General Clauses Act, 1897. The subject of Army Pensions falls under the head of "Union Pensions" in Entry 71 of the Union Legislative List I, in the Seventh Schedule of the Constitution.

The subject of 'Union Pensions' is required to be legislated upon by the Parliament. No legislation is proposed so far by the Government.

It is now high time that the prerogative rules and regulations are substituted by statute law. This Bill satisfies the requirement of articles 53, 246 and 294 (b), of the Constitution.

N. B. KHARE.

### FINANCIAL MEMORANDUM ON THE MILITARY PENSIONS BILL, 1952 BY DR. N. B. KHARE, M. P.

The Bill does not contemplate any increase in the monthly rate of disability family or service pensions payable out of the Consolidated Fund of India. What is contemplated by the Bill is to regularise the procedure in regard to the payment of military pensions. While regularising the procedure there may be increase in the number of genuine grants but this increase can be met from the total annual expenditure under the head 'Pensions' already provided for in the Budget by proper adjustment. The printing of new rules and sending copies thereof to various heads of Departments, Units and Depots, etc., will, of course involve, certain extra expenditure but it is not likely to exceed the sum of rupees twenty thousand.

On the whole the Bill will not burden the Consolidated Fund of India with recurring expenditure over and above the existing expenditure under the head 'Pensions' or 'Non effective charges'.

## BILL No. 96 OF 1952

*A Bill to provide for the improvement of livestock in India.*

BE it enacted by Parliament as follows :—

**1. Short title, extent and commencement.**—(1) This Act may be called the Indian Livestock Improvement Act, 1952 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, which in no case shall be later than six months after the Act receives the assent of the President.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) “livestock” includes cows, bullocks, bulls, he-buffaloes, she-buffaloes and their calves; and

(b) “person” includes any company or association, or body of individuals whether incorporated or not.

**3. Provision for keeping approved variety of bulls and protection of livestock against disease.**—(1) The Central Government shall provide in areas administered by it for multiplication, distribution and keeping of approved varieties of bulls for improvement of the breeds of livestock and shall take suitable steps to induce the State Governments to do likewise in the areas governed by them.

(2) Without prejudice to the generality of the provisions of sub-section (1),—

(a) adequate provision shall be made for checking and curing the livestock of diseases affecting their health and usefulness ;

(b) provision shall be made for establishment and maintenance of adequate number of *Go-sadans* (concentration camps) for stray and useless livestock; and

(c) proper provision shall be made for sterilising useless and decrepit livestock.

**4. Prohibition for slaughter of livestock.**—No person shall slaughter livestock for food or other purposes except in strict accordance with the terms and conditions of a permission granted by the Collector of the district in the best interest of the people.

**5. Punishment for the slaughter of livestock.**—Any person who contravenes the provisions of section 4 shall be punishable with imprisonment which may extend to six months or with fine or with both.

**6. Procedure and cognizance of offence.**—(1) No prosecution under this Act shall be initiated except on the report of an Inspector of Police or of any other police officer specially authorised by the Superintendent of Police in this behalf ; and

(2) no Officer below the rank of a Magistrate of the second class shall take cognizance of an offence punishable under this Act.



## STATEMENT OF OBJECTS AND REASONS

The importance of livestock to the agricultural economy and the public health of the country can hardly be overstressed. The question of banning of slaughter of milch cattle and their offspring has long been discussed in India. A number of State Governments have already banned the slaughter of cows. But the mere banning of the slaughter of cows will not be conducive to the best interests of the nation unless adequate provision is made for the development of good breeds of milch cattle on the one hand and for checking and obviating the difficulties consequent upon the unfettered growth of useless decrepit and stray cattle. The Bill seeks to provide for all round development on these lines. Obviously with the same end in view it seeks to ban the slaughter of livestock except under terms and conditions of a permission from the Collector of the district previously obtained in the best interest of the people at large.

JHULAN SINHA.

## BILL No. 67 OF 1952

*A Bill to provide for restraining the taking or giving of dowry in connection with marriages and for matters incidental thereto.*

Enacted by Parliament as follows:—

**1. Short title, extent, commencement and application.**—(1) This Act may be called the Restraint of Dowry Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

(4) It shall apply in the first instance to Hindus, Buddhists, Sikhs and Jains, but the Central Government may, by notification direct that it shall apply to members of any other community also.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “dowry” means any property transferred or agreed to be transferred as a part of the contract of any betrothal or marriage by one party to the betrothal or marriage or the father, mother, or guardian of that party to the other party to the marriage or to the father, mother or guardian of the other party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom, the value of which do not exceed two hundred rupees.

(b) “marriage” means a marriage between any two persons to whom this Act applies.

**3. Penalty for taking dowry.**—Any person who takes dowry shall on conviction be punishable with simple imprisonment which may extend to one year or a fine which may extend to the amount or value of the dowry taken or with both.

**4. Penalty for giving dowry or abetment thereof.**—Any person who gives dowry or abets the giving of dowry shall on conviction be punishable with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

**5. Penalty for dowry after solemnisation of marriage.**—Any person who at any time within three years after the solemnisation of a marriage to which this Act applies demands either directly or indirectly from the parents or any other person who was the guardian of the woman before her marriage any payment which is in the nature of a dowry, shall be deemed to have committed an offence under section 3 of this Act and shall be punishable accordingly.

**6. Dowry to be held in trust for wife.**—(1) Where a dowry was given before or after the commencement of this Act, such dowry shall be deemed to be the property of the woman in connection with whose marriage it was so given.

(2) Where a dowry is received by any person other than the woman in connection with whose marriage it was given and is not transferred by that person to the woman that person shall be deemed to hold it in trust for the benefit and separate use of that woman, and, if that woman dies before obtaining the transfer, for the benefit and separate use of her heirs as if it is *stridhana* property.

### STATEMENT OF OBJECTS AND REASONS

The objects of the Bill are:

- (1) to ensure economic equality and independence of women,
- (2) to mitigate the hardships of parents to get their daughters married, and
- (3) to guarantee free and equal choice in marriage and to ensure that neither of the contracting parties are subjected to humiliation or their self-respect degraded

RENU CHAKRAVARTTY.

### BILL NO. 1 OF 1953

*A Bill further to amend the Code of Criminal Procedure, 1898.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1953.

**2. Omission of section 268, Act V of 1898.**—Section 268 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Act) shall be omitted.

**3. Omission of sections 284 and 285, Act V of 1898.**—Sections 284 and 285 of the said Act shall be omitted.

**4. Amendment of section 286, Act V of 1898.**—In section 286 of the said Act, the words “or assessors” shall be omitted.

**5. Amendment of section 289, Act V of 1898.**—In sub-sections (2) and (3) of section 289 of the said Act, the words “in a case tried with the aid of assessors, record a finding, or” shall be omitted.

**6. Amendment of section 294, Act V of 1898.**—In section 294 of the said Act, the words "or assessor" shall be omitted.

**7. Omission of section 309, Act V of 1898.**—Section 309 of the said Act shall be omitted.

### STATEMENT OF OBJECTS AND REASONS

Trials before a Court of sessions with the aid of assessors have cutlived their utility. They are now a source of trouble to persons acting as assessors and of embarrassment to the Judge. In view of the growing complexity of the law, the mere advisory character of the opinions of the assessors and the general unwillingness of qualified persons to act as such it is expedient to abolish the trial of sessions cases with the aid of assessors. It is with this object that this amending Bill is introduced.

KHUB CHAND SODHIA.

### BILL No. 10 OF 1953

#### *A Bill further to amend the Indian Penal Code, 1860.*

WHEREAS it is expedient further to amend the Indian Penal Code (XLV of 1860) in the manner hereinafter appearing:

BE it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Indian Penal Code (Amendment) Act, 1953.

(2) It shall extend to such parts of the Union where the Indian Penal Code is in force.

(3) It shall come into force at once.

**2. Insertion of new section 294B, Act XLV of 1860.**—After section 294A of the Indian Penal Code, 1860, the following new section shall be inserted, namely:—

"294B. *Keeping Crossword Puzzles office.*—Whoever keeps any office or place for the purpose of conducting any competition, known as crossword or squareword puzzles or any other allied competition in words, figures, pictures, signs, indications, or publishes, prints, advertises and invites answers or solutions to such a competition and offers to pay any sum or to deliver any goods to any person, entering into the competition or on the tallying, fully or partly, of his answers or solutions with those kept answered or solved from before, or with those to be answered or solved at any future date, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

### STATEMENT OF OBJECTS AND REASONS

The crossword and other allied competitions including pictorial puzzles have of late, become a growing evil. They attract professionals, clerks, teachers, students and various other classes of intellectuals on a fairly large scale, who get engrossed in them at the cost of their normal

and legitimate duties and also waste a good lot of money, say, after illusions.

Newspapers, bulletins and illustrated journals etc. motivated purely by a get-rich-quick spirit, publish these offers freely and widely. In the interests of the well-being of the country, this waste of money must stop now.

Section 204A of the Indian Penal Code, 1860 was inserted by an Amendment Act in 1870, when "lotteries" played almost the same part. It is time now that this crossword system and other like alluring competitions, tending to demoralise people should be banned by the Government forthwith.

Hence this amending Bill.

NAGESHWAR PRASAD SINHA.

#### BILL No. 95 OF 1952

*A Bill further to amend the Indian Registration Act, 1908.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Registration (Amendment) Act, 1952.

**2. Insertion of new section 20A, Act XVI of 1908.**—After section 20 of the Indian Registration Act, 1908, the following new section shall be inserted, namely:—

"20A. *Documents which mention caste or religion.*—Any document which mentions caste and religion of the parties shall be refused for registration by the Registrar or Sub-Registrar, and such officers shall not enquire about them while registering documents."

#### STATEMENT OF OBJECTS AND REASONS

While India is a secular State, Registering Officers in some States still ask for and record castes and religion of parties at the time of registration which is anomalous. This Bill is intended to remove this anomaly.

SATIS CHANDRA SAMANTA.

#### BILL No. 76 OF 1952

*A Bill further to amend the Indian Registration Act, 1908 (XVI of 1908).*

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 (XVI of 1908) for the purposes hereinafter appearing;

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Registration (Amendment) Act, 1952.

**2. Amendment of section 21, Act XVI of 1908.**—In section 21 of the Indian Registration Act, 1908, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) No non-testamentary document relating to immovable property shall be accepted for registration unless it is certified by an advocate that it has been prepared by him, if the value of the property covered by the document exceeds rupees five hundred.”

#### STATEMENT OF OBJECTS AND REASONS

A good deal of civil litigation is due to ignorance of law. Often the real nature of a transaction is different from what is apparent from the records, and leads to a lot of perjured oral evidence. *Benami* transactions, which are a fruitful source of litigation, may be lessened considerably.

This Bill is intended to amend the Indian Registration Act, 1908 (XVI of 1908), so that the volume of litigation may go down and the poor and illiterate people may be saved the money, time and botheration of litigation.

S. V. RAMASWAMY.

#### BILL No. 120 OF 1952

*A Bill further to amend the Displaced Persons (Debts Adjustment) Act, 1951.*

BE it enacted by Parliament as follows :—

**1. Short title.**—This Act may be called the Displaced Persons (Debts Adjustment) Amendment Act, 1952.

**2. Substitution of new section for sections 32 and 33, Act LXX of 1952.**—For sections 32 and 33 of the Displaced Persons (Debts Adjustment) Act, 1951, the following shall be substituted, namely:—

“32. (1) Where on the application of a displaced debtor under section 5 or sub-section (2) of section 11 or on the application of a displaced creditor under section 10, the Tribunal has determined the amount due in respect of each debt in accordance with the provisions of this Act, it shall further declare that such amount shall be payable only out of the compensation which the debtor may receive whether in cash or by property in respect of his assets left in Pakistan and that each creditor shall be paid suitably except as above. No debt incurred in Pakistan or a decree of Pakistan Debts obtained in India shall be recoverable from any of the debtor's assets in India.

(2) The payment of the amount specified in sub-section (1) shall be subject to the payment to the secured creditor who has under section 16 of the Act, elected to claim the security which shall be the first charge.

(3) The amount recoverable by each creditor shall be that amount as bears to the total sum due to him the same proportion as the amount of compensation received or value of the property received in exchange bears to the value of the original property verified and valued under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950).”

## STATEMENT OF OBJECTS AND REASONS

The object of the Displaced Persons (Debts Adjustment) Act LXX of 1951 is to give relief to displaced persons against the debts incurred in Pakistan. The assets of a displaced person in India, which he has been able to earn and save in India, still remain exposed to the danger of being taken over in India for the debts incurred in Pakistan. To avoid this it is essential that suitable amendment should be made in the existing law.

The debts in Pakistan were advanced generally to persons who owned property there, no matter whether property was mortgaged or not. In some cases debts may have been advanced to persons who though not possessing immovable property, had lucrative earning business. The recovery of such debt can be justified only from the compensation that may be paid for the property left in Pakistan. The law as it stands at present does not provide for this and suitable amendment is necessary.

This Bill is designed to achieve this object.

ATMA SINGH NAMDHARI.

## BILL No. 123 OF 1952

*A Bill to prevent the slaughtering of cows in India.*

WHEREAS cows form the backbone of cultural, agricultural, economic and physical progress of the country it is expedient to declare cow as a national asset and prevent its slaughter in any form:

Be it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Prevention of Cow-Slaughter Act, 19

(2) It extends to the whole of India.

(3) It shall come into force at once.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) 'cognizable offence' shall have the meaning assigned to it in the Code of Criminal Procedure, 1898 (V of 1898);

(2) 'cow' includes she and he-calves, heifers, bullocks and bulls;

(3) 'killing' includes slaughtering or otherwise killing for any purpose and by any means whatsoever;

(4) 'national asset' means essential live-stock for the all-round prosperity of the country, agricultural, cultural and physical.

**3. Stoppage of cow-slaughter.**—No person shall kill or cause to be killed a cow for any purpose and at any place in India.

**4. Penalty for cow-slaughter.**—Any person killing or causing to be killed a cow shall be punishable with imprisonment for a term which may extend to fourteen years or with fine which may extend to one thousand rupees and an offence under this Act shall be a cognizable offence.

## STATEMENT OF OBJECTS AND REASONS

The cow has been held in veneration by millions of Indians from time immemorial. It has served and is regularly serving the nation in many fields of life. Bullocks are essentially needed for agriculture. The necessity of cow for Indian life can never be overestimated. In order to preserve them it is necessary to have a legislation for stoppage of slaughter of cows.

This Bill is designed to achieve this object.

NAND LAL SHARMA.

## BILL No. 20 OF 1953

*A Bill to provide for protection, maintenance, custody, education and employment of children.*

WHEREAS it is expedient and necessary to provide for protection, maintenance, custody, education and employment of uncared for children and young persons so as to save them from moral and material abandonment and exploitation;

Be it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Children's Protection Act, 1953.

(2) It extends to the whole of India.

(3) It shall come into force at once.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) "a child" means any person not above the age of fourteen;

(b) "parent" means father or mother including a step-father and step-mother;

(c) "guardian" means any person who is, for the time being, in actual charge, custody or control of the child or young person;

(d) "young person" means any person who is above fourteen years of age but not above eighteen;

(e) "prescribed" means prescribed by rules made under this Act.

**3. Interrogation of children or young persons loitering or begging in public places.**—It shall be lawful for any Magistrate, a Member of the State Legislature or Parliament, a police constable and any other person as may be prescribed to interrogate any child or young person found loitering or begging in any public street, or at any railway station or in or near any public place, to bring him before a Magistrate.

**4. Registration of uncared for children or young persons.**—If it is found that a child or a young person is not being maintained or looked after or otherwise provided for in any reasonable manner or is being used for earning money by any means other than regular employment, he shall at once be registered as an uncared for child or young person.

**5. Release of children or young persons on parent or guardian giving an undertaking.**—In every case where the child or young person has a parent or a proper guardian prepared to look after him, the child or young person may be released on such parent or parents or guardian or guardians giving an undertaking in writing, with one respectable surety, that—

(i) the child or the young person will not be permitted to loiter any further,

(ii) he will be provided with adequate food and clothing at the house and supervised,

(iii) he shall be enrolled as a student in some school as far as possible, and

(iv) if the circumstances of the family demand that he should be employed, he is in regular employment of some person whose name and status shall be intimated to a police station from time to time together with the wages or salary received and a statement of the nature of work the child or the young person is required to do.

**6. Defaulting parent or guardian to execute a bond.**—Any parent or guardian, who fails to act upto any or all of the above undertakings mentioned in section 5 may be required to execute a bond for a sum not exceeding five hundred rupees with one surety for the like sum.

**7. Penalty for subsequent failure by parent or guardian.**—On subsequent failure, the parent or guardian, besides being liable to be punished with forfeiture of the bond, shall be liable to fine which may extend to two hundred fifty rupees.

**8. State Governments to provide homes and make arrangements for board, lodging, education, employment and care of uncared for children or young persons.**—Every child or young person, for whom no possibility of adequate maintenance and care appears available, shall be registered as an uncared for child or young person, as the case may be, and it shall be the duty of the State Governments, with the assistance of the Central Government, if possible, to provide suitable homes and to make adequate arrangements for his board, lodging, education, employment and care.

**9. Return of enrolled child or young person to his parent or guardian.**—Any child or young person so enrolled and admitted in a public institution for purposes of employment, education or otherwise, may be handed over to his parent or guardian on his paying the cost of his maintenance to Government and depositing a sum not exceeding five hundred rupees as an undertaking to look after the child or young person adequately in future.

**10. Right of Government to recover expenses in fit cases.**—It shall be lawful for any State Government to recover, in a fit case, the expenditure incurred on the education and maintenance of the child or the young person, wherever his parent, guardian or a near relation is capable of paying the same.

**11. Arrest of escaped children or young persons.**—It shall be lawful for any police officer or constable to arrest without a warrant any child or young person who has escaped from the public institution to which he was admitted.



**12. A child or young person of criminal tendencies to be kept separately.**—A child or a young person guilty of more than one attempt to run away from such an institution, or one who has manifested any definite criminal tendencies, shall be kept separately from other children.

**13. Employment etc. of a child or young person to contribute towards his maintenance and education.**—It shall be lawful for any State or Central Government to put such a child or a young person to any employment, teach him any course of study or vocation or calling or in any other manner to utilize him so as to, by his efforts and work, contribute towards his own maintenance and education.

**14. Government not to make profit.**—No Government shall, however, make any profit as a result of the work and labours of any child or young person admitted to State custody.

**15. Power to make rules.**—The Central Government may make rules for the purpose of giving effect to the provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

I believe it is the experience of everyone how children and young persons of all ages are found loitering in public streets, near cinema houses and theatres, at railway stations, and in public places without any work, very shabbily, if at all clad and living a life which is a matter of shame and disgrace to the whole Indian nation. Such valuable human material is not only being wasted on a very large scale but the fact that it is not possible to make any arrangements or provide for their education and maintenance or even supervision of any sort has contributed to encourage them at this early age to fall a prey to bad and unsocial habits so as to make them not only potential but often real enemies of society. The provisions in the above Bill are designed to meet this unbearable situation. The Bill does place upon the State and Central Governments the responsibility of looking after these children, but it is a responsibility which, I believe, no Government would like to avoid. The sooner it is recognized the better it would be for these innumerable children and young persons as well as the well-being and reputation of the Indian nation. I do not expect, if the provisions are properly enforced, the cost would be exorbitant. In any case the value of good results flowing from it will far exceed the cost borne by all the Governments.

We have rightly included the following in the Directive Principles of State Policy in the Constitution that we are adopting.

“Article 39. The State shall, in particular, direct its policy towards securing—

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(f) that childhood and youth are protected against exploitation and against moral and material abandonment.”

My Bill seeks to secure the early realization of this objective. I am aware that some States have Children's Acts. But so far as the purpose embodied in the above Bill is concerned they are a dead letter.

SUSHAMA SEN.

**FINANCIAL MEMORANDUM ON THE CHILDREN'S PROTECTION  
BILL, 1953 BY SHRIMATI SUSHAMA SEN, M. P.**

Clause 8 of the Bill involves some expenditure. It is not possible at this stage to indicate the exact expenditure. But to start with, if Government appoints a Committee consisting of Members of Parliament officials and non-officials in each State to work out the scheme, a sum of Rs. 2 lakhs recurring grant annually should be sanctioned. Until Homes can be established by Government, the Committee could arrange with existing Boarding Schools or reliable private individuals for undertaking the care of uncared children and employment arranged for young people, who are otherwise stranded.

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M. N. KAUL,  
*Secretary,*